

REMARKS

Claims 3-5 have been canceled. Claims 7 and 9-11 are withdrawn. Claims 1, 2, 6 and 8 are pending. New claim 12 has been added.

Claim 1 has been amended by further limiting the combination to a combination of triisobutylaluminum and diisobutylaluminum hydride. Support for the amendment can be found in now canceled claim 5.

Support for new claim 12 can be found in original claim 4 and in the Specification on page 6, lines 4-8.

No new matter has been added.

Rejections Under 35 USC § 102

The Examiner has rejected claims 1-4, 6 and 8 as anticipated by Kaita et al. The Examiner contends that Kaita et al. teach a catalyst composition comprising a metallocene-type complex of a rare earth metal such as samarium, an ionic compound composed of a non-coordinating anion and a cation and aluminoxane for producing high cis-1,4-polybutadiene as well as other embodiments of the invention.

The Examiner states that claim 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have amended claim 1 to include the limitations of claim 5 and have canceled claims 3-4, thereby overcoming the rejection.

Conclusion


All of the claims remaining in the case, including newly presented claims, define novel, non-obvious patentable subject matter. Applicants therefore respectfully request removal of all rejections and allowance of the claims.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell, Registration No 36,623 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: September 24, 2007

Respectfully submitted,

By 
Mark J. Nuell
Registration No.: 36,623
BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
(858) 792-8855
Attorney for Applicant